

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

INTERNATIONAL HEALTH BRANDS, LLC,  
a Delaware limited liability company,

Plaintiff,

vs.

ASHLEE R. FOY, an individual;  
MICHAEL L. KAUFMAN, an individual;  
and KCM BRANDS, LLC, a Florida limited  
liability company,

Defendants.

Case No. 9:24-cv-80679-DMM

**PLAINTIFF'S EXPEDITED MOTION TO VOLUNTARILY  
DISMISS WITHOUT PREJUDICE AND STAY PROCEEDINGS OR, IN THE  
ALTERNATIVE, FOR THE POSTING OF A BOND**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff, International Health Brands, LLC, seeks an order dismissing all of its claims asserted against Defendants Ashlee R. Foy, Michael L. Kaufman, and KCM Brands, LLC, without prejudice. Plaintiff further moves the Court to stay proceedings in this matter pending the outcome of this motion. In the alternative, as dismissal is sought solely on an assessment of valuation and collectibility, if Defendants can demonstrate net profits from the sale of the IHB Formulation of at least \$300,000, then the Court should order them to post a bond of \$600,000 in order to accommodate Defendants' desire to prolong this litigation. Plaintiff seeks this relief for the reasons set forth in the accompanying memorandum.

This Motion is filed on an expedited basis pursuant to Local Rule 7.1(d)(2), and a ruling is respectfully requested by **Friday, February 7, 2025, at 5:00 p.m.** An in-person discovery hearing in this matter is currently scheduled for February 10, 2025, at 1:30 p.m. Attendance at that hearing will require travel coordination and significant expense by the parties, and such expenses will

ultimately be obviated if this Motion is granted. Accordingly, a decision on this Motion is requested on an expedited basis. If the Court is disinclined to rule on this Motion in its entirety prior to the hearing, Plaintiff asks the Court to rule on the portion of the Motion seeking a temporary stay of proceedings until a full decision can be rendered.

Pursuant to Local Rule 7.1(3), undersigned counsel hereby certifies that they have met and conferred with counsel for Defendants, via electronic mail, on February 6, 2025, in a good faith effort to resolve the issues raised in the motion and have been unable to do so.<sup>1</sup>

WHEREFORE, International Health Brands, LLC, respectfully requests this Honorable Court enter an order allowing voluntary dismissal without prejudice, staying all proceedings in this matter pending the outcome of this motion or, in the alternative, upon a demonstration of at least \$300,000 in net profits from the sale of the IHB Formula, that Defendants be required to post a \$600,000 bond.

Dated: February 6, 2025.

Respectfully submitted,

/s/ Marc J. Randazza  
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<sup>1</sup> To be clear, counsel for Defendants consents to a one-week extension of the pending hearing to attempt to work out the issues presented, but Plaintiff believes Defendants' demands are unreasonable and a general stay is needed. Moreover, counsel for Defendants are unavailable the week of Feb. 18, 2025.

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**RANDAZZA** | LEGAL GROUP

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 6, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Marc J. Randazza  
MARC J. RANDAZZA

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